

**REMARKS**

Claims 1-31 are pending in the application.

Claims 1-3, 5, 7, 8 and 10-31 have been rejected.

Claims 4, 6 and 9 have been objected to.

Claims 24 and 31 have been amended.

**Rejection of Claims under 35 U.S.C. §112**

Claim 24, 42 and 25-30 stand rejected under 35 U.S.C. §112, second paragraph, as purportedly being incomplete for purportedly omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Applicants respectfully traverse this rejection. Applicants have amended claim 24 to read:

24. A method comprising:  
processing data to generate processed data at a secondary node, wherein the  
secondary node comprises a replica of a first data;  
transmitting the results of the data processing to a primary node, wherein the  
primary node comprises the first data;  
storing the results of the data processing in memory.

Applicants respectfully submit that the steps listed by the Office Action do not constitute essential structural relationships of elements recited in amended claim 24. Applicants respectfully submit that the method steps recited in amended claim 24 can be performed without performing the steps listed as purportedly being omitted in the Office Action.

For example, as is shown in, at least, paragraphs 41 and 42 of Applicants' specification, a secondary node can perform data placement optimization operations and then pass the results back to the primary node. An example is a virtual defragmentation, where the secondary node executes a defragmentation and then passes the defragmentation plan back to the primary. Such activity is one example of processing data and transmitting the results of the data processing to a primary node, as recited in

claim 24. Accordingly, Applicants respectfully request a withdrawal of this rejection, and that of claim 31, which has been similarly amended and contains similar limitations.

*Rejection of Claims under 35 U.S.C. §101*

Claims 13-31 stand rejected under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection. The Office Action states that the claimed steps of 13, 31, and 23 are not being performed by any form of computer hardware. Applicants respectfully note that in the previous response, claims 13 and 31 were amended to recite a “computer readable storage medium.” Applicants maintain that one of ordinary skill would understand this term to comprise hardware. Further, the claims recite a data volume, a computer system which executes instructions, and a primary node (which includes, e.g., a server computer system). See, e.g., paragraphs 23-25. Applicants respectfully submit that all of these elements, as well as others recited in claim 13, 31, and 23 would also be understood by one of ordinary skill to comprise hardware. In light of the ample disclosure of hardware elements recited by these claims, Applicants respectfully request the withdrawal of this rejection.

*Rejection of Claims under 35 U.S.C. § 102(a)*

Claims 24-31 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant admitted prior art, namely the background section of Applicants’ specification (page 1, paragraph [0001] to page 7, paragraph [0017]). Applicants respectfully traverse this rejection.

The Office Action states on page 7 that “transmitting the results of the data processing to a primary node” (as recited in claim 24) is taught by page 2, lines 3-4 of the specification, which reads, “In response to receiving the read request, secondary nodes AS<sub>Example</sub> or SS<sub>Example</sub> can read and return a copy of requested data from replica RVA<sub>Example</sub> or RVS<sub>Example</sub>.” Applicants respectfully disagree and note that in the example referred to, “the primary host is rendered inoperable”. Specification, page 2, line 1. Thus, it would be impossible to transmit the results of the data processing to the primary node,

as is recited in claim 24. This fact, as well as the plain language of the cited passage make it clear that the requested data referred to in the cited passage is returned to the client computer system who requested the data, and not to the inoperable primary. *See* Specification, paragraph 2, line 12. Therefore, the cited passage does not teach transmitting anything to a primary, much less the results of the data processing, as claimed. Accordingly, Applicants respectfully submit that the cited portions of the specification fail to disclose each feature recited in claim 24, and respectfully request withdrawal of this rejection.

*Rejection of Claims under 35 U.S.C. § 103(a)*

Claims 1-3, 5, 7-8, 10-14, 16, 18-9 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's admitted prior art in view of Yanai et al. (USPN 5,742,792) hereinafter referred to as ("Yanai") and further in view of Slaughter et al. (USPN 5,964,886) hereinafter referred to as ("Slaughter"). Applicants respectfully traverse this rejection.

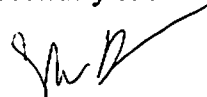
The remaining independent claims contain features similar to those discussed above, with reference to claim 24. Since the Office Action relies on the same passage of the specification as purportedly disclosing these features, Applicants respectfully submit that the arguments made above apply with similar force to these rejections. Accordingly, Applicants respectfully request a withdrawal of these claims, and an indication of their allowability.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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